

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

JEROME LAMONT LESUEUR, )  
                              )  
Plaintiff,                )  
                              )  
v.                         )                          No. 4:05-CV-1775 CAS  
                              )  
                              )  
JACK IN THE BOX,        )  
                              )  
                              )  
Defendant.                )

**ORDER**

This matter is before the Court pursuant to the Report and Recommendation of United States Magistrate Judge David D. Noce, filed April 13, 2006. See 28 U.S.C. § 636(b). The Magistrate Judge recommended that the case be dismissed sua sponte for failure to state a claim upon which relief can be granted. Neither party has filed an objection to the recommendation.

After careful review of the matter, the Court concurs with the recommendation of the Magistrate Judge for the reasons set forth in the thorough and well-reasoned Report and Recommendation.

Accordingly,

**IT IS HEREBY ORDERED** that the Report and Recommendation of the United States Magistrate Judge is **sustained, adopted and incorporated** herein. [Doc. 9]

An appropriate judgment will accompany this order.



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**CHARLES A. SHAW**  
UNITED STATES DISTRICT JUDGE

Dated this 28th day of April, 2006.

